

REMARKS

Claims 1-46 are pending in this Application, with claims 24-26 and 30-46 having been previously withdrawn. The Specification and claims 1, 5, 9, 11-15, 18 and 20 are amended with this Response. Applicant respectfully thanks the Examiner for indicating the allowable subject matter of claims 17, 18, and 20.

Objections to the Specification

The Examiner objects to the Specification for an informality that has been addressed via the amendment above.

Rejections under 35 U.S.C. 112, second paragraph

The Examiner variously rejects claims 1-23 and 27-29 for being indefinite under 35 U.S.C. 112, second paragraph. Applicant respectfully submits that the specific rejections of claims 1, 5, 9, 11-15, part of 18, and 20 are overcome via the amendments made above. The specific rejections of claims 6, 10, 17, and part of 18 will now be addressed in more detail.

Referring to claim 6, Applicant respectfully points out that the term “the module” has antecedent basis in claim 1 via the phrase “at least one module,” found at line 2 of claim 1, and “the module,” which refers back to “at least one module” throughout the rest of claim 1.

Referring to claim 10, Applicant respectfully explains that the telescoping columns extend to support a separate extendable container system.

Referring to claims 16-18, Applicant respectfully points out that the term “wind turbine blade” originally had antecedent basis from the “wind turbine blade” formerly recited in claim 15 (now recited in claim 1). The “module” of claim 16 has the same antecedent basis from claim 1 that is discussed with reference to claim 6.

Rejections under 35 U.S.C. 102(b)

Claims 1-6, 15-16, 19, 21-22, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,027,291 to Sain (Sain hereinafter). Applicant respectfully traverses.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant’s amended claim 1 recites *inter alia*,

“wherein a blade root fitting is attached near an end of the module and configured to fasten a root end of a wind turbine.”

Sain does not teach a blade root fitting that is attached near an end of a module and configured to fasten a root end of a wind turbine. In fact, Sain does not teach any fitting for *any type* of cargo fastener at all. Instead, the sole means of attachment/fastening taught in Sain is directed to rails 10 and 10’, and the manner in which these rails 10 and 10’ stack and mount cargo containers. Furthermore, as Sain does not teach any type of cargo fitting at all, Sain certainly does not teach a “blade root fitting” configured to fasten any portion of a “wind turbine blade,” which is an element that is not taught or discussed anywhere in Sain.

For at least the above reasons, Applicant respectfully asserts that Sain does not teach every element of Applicant’s claim 1, or claims 2-6, 15-16, 19, 21-22, 27, and 29 that depend therefrom. As such, it is respectfully submitted that Applicant’s claims 1-6, 15-16, 19, 21-22, 27, and 29 are not anticipated by Sain.

Claims 1, 6, 7, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,042,674 to Ramsay (Ramsay hereinafter). Applicant respectfully traverses.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant’s amended claim 1 recites *inter alia*,

“wherein a blade root fitting is attached near an end of the module and configured to fasten a root end of a wind turbine.”

Ramsay does not teach a blade root fitting that is attached near an end of a module and configured to fasten a root end of a wind turbine. In fact, like Sain, Ramsay does not teach any fitting for *any type* of cargo fastener at all. In addition, referring to the Figures of Ramsay, the box 32 is clearly not dimensioned for containing wind turbines.

For at least the above reasons, Applicant respectfully asserts that Ramsey does not teach every element of Applicant’s claim 1, or claims 26, 7, 21, and 23 that depend therefrom. Further and most likely for at least the reason set forth above, Applicant respectfully notes that Ramsey is not used by the Examiner to reject Applicant’s original claim 15 (the contents of which having been amended into claim 1). As such, it is respectfully submitted that Applicant’s claims 1, 6, 7, 21, and 23 are not anticipated by Ramsey.

Claim Rejections Under 35 U.S.C. §103

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable Sain. Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 28 depends from claim 1. Thus, for at least the reasons discussed above, Applicant respectfully asserts that Sain does not teach or suggest all of the limitations of Applicant's claim 28. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claim 28 with respect to Sain.

Since Sain does not teach every element of Applicant's claim 28, and since Sain teaches nothing of wind turbines clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify Sain, or a reasonable likelihood of success in forming the claimed invention by modifying Sain. Thus, here again, *prima facie* obviousness does not exist. *Id.*

As such, the requirements of *prime facie* obviousness does not exist regarding claim 28 with respect Sain.

Claims 1, 6, and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable

United States Patent No. 3,386,600 to Betjemann (Betjemann hereinafter). Applicant respectfully traverses this rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's amended claim 1 recites *inter alia*,

“wherein a blade root fitting is attached near an end of the module and configured to fasten a root end of a wind turbine.”

Betjemann does not teach a blade root fitting that is attached near an end of a module and configured to fasten a root end of a wind turbine. In fact, like Sain, Betjemann does not teach any fitting for *any type* of cargo fastener at all. In addition, Betjemann does not teach or mention anything regarding wind turbines. For at least these reasons, Betjemann does not teach every element of Applicant's claim 1, or claims 6 and 8-14 that depend therefrom.

Since Betjemann does not teach every element of Applicant's claims 1, 6, and 8-14, and since Betjemann teaches nothing of wind turbines clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify Betjemann, or a reasonable likelihood of success in forming the claimed invention by modifying Sain. Thus, here again, *prima facie* obviousness does not exist. *Id.*

As such, the requirements of *prime facie* obviousness does not exist regarding claims 1, 6, and 8-14 with respect Betjemann.

Conclusion

Applicant hereby petitions under 37 C.F.R. §1.136 for any extension of time required for entry and consideration of this submission.

The Office is invited to contact Applicant's attorneys at the below-listed telephone number concerning this Submission or otherwise regarding the present application.

If there are any charges with respect to this Submission, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,
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